

LEGADMINMAN

CHAPTER 6

VICTIM AND WITNESS ASSISTANCE PROGRAM

	<u>PARAGRAPH</u>	<u>PAGE</u>
SCOPE.	6000	6-3
DEFINITIONS.	6001	6-3
BACKGROUND	6002	6-4
APPLICABILITY.	6003	6-4
POLICY	6004	6-4
PROGRAM OVERVIEW	6005	6-6
RESPONSIBILITIES	6006	6-6
REPORTING.	6007	6-14
RESOURCES.	6008	6-15
FORMS.	6009	6-15
VICTIM WITNESS LIAISON OFFICER (VWLO) RESPONSIBILITIES	6010	6-16
COMMAND VICTIM WITNESS ASSISTANCE COORDINATOR (VWAC) RESPONSIBILITIES.	6011	6-17

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CHAPTER 6

VICTIM AND WITNESS ASSISTANCE PROGRAM

6000. SCOPE. This chapter sets forth procedures and responsibilities under the Victim and Witness Assistance Program (VWAP) established by DoD Directive 1030.1 and SECNAVINST 5800.11A, and defines the policies, responsibilities, and procedures for Marine Corps compliance with DoD Instruction 1030.2 and the aforementioned directives.

6001. DEFINITIONS

1. Central Repository. A headquarters office, designated by the Secretary of the Navy to serve as a clearinghouse of information on confinee status and to collect and report data on the delivery of victim and witness assistance, including notification of confinee status changes. The central repository for the Marine Corps is CMC (POS-40).
2. Component Responsible Official. Person designated by the Commandant of the Marine Corps primarily responsible for coordinating, implementing, and managing the Victim and Witness Assistance Program. The component responsible official is the Staff Judge Advocate to CMC.
3. Victim. A person who has suffered direct physical, emotional, or pecuniary harm as a result of the commission of a crime committed in violation of the UCMJ, or in violation of the law of another jurisdiction if any portion of the investigation is conducted primarily by the DoD Components. Such individuals shall include, but are not limited to, the following:
 - a. Military members and their family members.
 - b. When stationed outside the continental United States, DoD civilian employees and contractors, and their family members. This applies to services not available to DoD civilian employees and contractors and their family members in stateside locations, such as medical care in military medical facilities.
 - c. When a victim is under 18 years of age, incompetent, incapacitated, or deceased, the term includes one of the following (in order of precedence): a spouse, legal guardian, parent, child, sibling, another family member, or another person designated by the court or the component responsible official, or designee.
 - d. The term "victim" does not include an individual involved in the crime as a perpetrator or accomplice, even though the individual may be one of the representatives described above.

e. For a victim that is an institutional entity, an authorized representative of the entity. Federal departments and State and local agencies, as entities, are not eligible for services available to individual victims.

4. Witness. A person who has information or evidence about a crime, and provides that knowledge to a DoD component about an offense in the investigative jurisdiction of a DoD component. When the witness is a minor, that term includes a family member or legal guardian. The term witness does not include a defense witness or an individual involved in the crime as a perpetrator or accomplice.

6002. BACKGROUND

1. Between 1982 and 1990, the U.S. Congress enacted a series of laws designed to inform crime victims and witnesses of their rights and position in the criminal justice system. The last of the series, the Victims' Rights and Restitution Act of 1990, imposed a duty upon departments and agencies of the U.S. engaged in law enforcement and criminal justice functions to ensure that crime victims are provided specific rights and services.

2. Victims and witnesses of crime normally suffer some adverse impact from the crime. The VWAP is designed to minimize the effects of crime, and to help victims and witnesses understand and meaningfully participate in the military justice system. The VWAP ensures that Marine Corps personnel are trained to provide appropriate information, referrals, and services.

6003. APPLICABILITY. The provisions of this chapter apply to all Marine Corps personnel, and Navy personnel attached to Marine Corps units, engaged in detecting, investigating, or prosecuting crime, and to personnel assisting crime victims and witnesses. This chapter pertains to victims and witnesses of offenses committed in violation of the UCMJ and to witnesses involved in proceedings conducted under the Manual for Courts-Martial (MCM), 1998. This chapter is not limited to criminal offenses prosecuted at courts-martial. Crime victims and witnesses do not forfeit their status when offenses are referred to nonjudicial punishment or administrative separation proceedings. In overseas locations, this chapter is limited to victims and witnesses who are military members, their families, and Department of Defense civilian employees and contractors and their family members.

6004. POLICY. Marines shall treat all victims and witnesses with respect.

1. A crime victim has the following rights:

a. To be treated with fairness and with respect for the victim's dignity and privacy.

b. To be reasonably protected from the accused.

c. To be notified of court-martial proceedings.

d. To be present at all public court proceedings related to the offense, unless the court determines that testimony by the victim would be materially affected if the victim heard other testimony at trial.

e. To confer with trial counsel and convening authorities.

f. To receive available restitution.

g. To receive information about the conviction, sentence, confinement, and release of the accused.

2. A witness in a court-martial has the following rights:

a. To be treated with fairness and with respect for the witness's dignity and privacy.

b. To be reasonably protected from the accused.

c. To be notified of any scheduling changes which will affect their appearance at court-martial.

d. To be notified of the apprehension of an accused, the initial appearance of an accused before a military judge, the release of the accused pending court-martial, and trial proceedings (including entry of guilty pleas).

e. To receive information about the conviction, sentence, confinement, and release of the accused.

All Marines, Navy personnel attached to Marine units, and DON employees will ensure that victims and witnesses of crime are informed of their rights as described above.

3. Humanitarian and practical concerns demand that Marine Corps authorities responsible for effective functioning of the criminal justice system consider the needs of victims and witnesses participating in command investigations or disciplinary proceedings within the cognizance of Marine Corps activities. Responsible authorities must mitigate, within the means of available resources and in accordance with applicable law, the physical, psychological, and financial hardships suffered by crime victims and witnesses and make all reasonable efforts to foster their cooperation in the criminal justice process.

4. Victims and witnesses of domestic abuse or sexual assault often require assistance beyond the information and referrals required under the VWAP. SECNAVINST 1752.3 and MCO 1752.3B provide additional guidance and specific programs for victims and witnesses of those crimes.

5. While special attention must be provided to victims and witnesses of serious, violent crime, all crime victims and witnesses shall receive the assistance provided for in this chapter. In cases where the United States or the public is the victim, victim assistance will normally be unnecessary, but there may be witnesses in those cases who will be entitled to witness services.

6. This chapter is not intended to, and does not, create any entitlement, cause of action, or defense in favor of any person arising out of the failure to provide the assistance outlined in this chapter. No limitations are placed on the lawful prerogatives of the Marine Corps or its officials.

6005. PROGRAM OVERVIEW. VWAP is a multi-disciplinary model, as described in DoD Instruction 1030.2, designed to identify and assist crime victims and witnesses through the criminal justice process beginning with the initial report of a crime and continuing through the investigation, prosecution, sentencing, confinement, and release of an offender.

1. Installation commanders are responsible for implementing VWAP and shall be the central points of contact for victims and witnesses involved in the criminal justice process.

2. Unit commanders, commanding officers, and OICs are responsible for ensuring that victims and witnesses in their commands are afforded their rights and are informed of the status of a criminal case through final disposition, especially cases investigated and resolved within the command.

3. All disciplines (e.g., law enforcement, security, criminal investigations, convening authorities, legal, and corrections) are responsible for ensuring a smooth transition of victim and witness assistance through the stages of the criminal justice process.

4. Service providers (e.g., Family Service Center (FSC) personnel, family advocacy counselors, victim advocates, health care personnel, chaplains, and legal assistance attorneys) are responsible for providing available services to victims and, when appropriate, shall provide referrals to community-based services.

6006. RESPONSIBILITIES

1. SJA to CMC is designated the Component Responsible Official, pursuant to SECNAVINST 5800.11A. SJA to CMC shall:

a. Obtain and distribute victim and witness assistance materials to judge advocates serving as trial counsel and legal assistance attorneys.

b. Distribute the Department of Justice Federal Resource Guide on Victim and Witness Assistance to Local Responsible Officials (installation commanders).

c. Receive and compile the reports required by DoD Instruction 1030.2, paragraph F6, from the Naval Criminal Investigative Service (NCIS) and the Local Responsible Officials concerning the assistance provided to crime victims and witnesses, and prepare the annual report (DD Form 2706) for submission to the Assistant Secretary of the Navy (Manpower and Reserve Affairs).

2. Service Providers include victim advocates, family advocacy counselors, victim assistance advocates, FSC personnel, chaplains, health care personnel, legal assistance attorneys, and others who assist crime victims and witnesses. Service providers shall:

a. Understand and support VWAP and know the rights of victims and witnesses under VWAP.

b. Inform crime victims and witnesses about VWAP when they receive counseling, treatment, or advice.

c. Inform victims of spousal or intrafamilial abuse of the benefits provided under "Transitional Compensation for Abused Family Members." The purpose of this program is to help ease the transition from military to civilian life for spouses and/or dependent children of a servicemember who is separated from active duty as a result of a family abuse offense. The spouse and/or family should be referred to the member's commanding officer for assistance with completion of DD Form 2698 "Application for Transitional Compensation." Eligible applicants may be entitled to a maximum of 36 months or a minimum of 12 months of monthly compensation. Applicants may also be eligible for medical and dental care for a period of 1 year to treat an injury or illness caused by the abuse offense. Commissary and exchange privileges may also be available for the duration of the payments. The Family Advocacy Program (FAP) Victim Advocate can provide more detailed information. Victims may also seek assistance from the local legal assistance office for benefits provided under "Benefits for Dependents who are Victims of Abuse by Members Losing the Right to Retired Pay" and other benefits under VWAP.

d. Inform crime victims of State crime compensation funds that may be available to reimburse victims for certain expenses incurred as a result of the crime.

e. Know the VWAP points of contact at your installation, specifically base police, NCIS, SJA, FSC, Family Advocacy Program, medical clinics or hospitals, and chaplains for victim and witness assistance issues.

f. Ensure that the FSC appoints, in writing, a representative to participate in the installation victim and witness assistance council meetings.

3. Corrections (Code POS-40). The Commandant of the Marine Corps (POS-40) is designated the Marine Corps Central Repository to serve as a clearinghouse of information on prisoner status and to collect and report data on the delivery of victim and witness assistance including notification of prisoner status changes. The central repository will:

a. Establish a victim and witness notification program in each brig and detention facility. VWAP procedures will apply to all prisoners confined in Marine Corps brig facilities, regardless of service.

b. Upon receipt of a DD Form 2704 that indicates a victim or witness has requested notification, establish a prisoner adjunct file to track notification of status changes. Any DD Form 2704 indicating a victim or witness does not desire notification will be filed at the brig where the prisoner is confined. The DD forms/adjunct files will be destroyed 2 years from the date the prisoner is released from confinement or parole, whichever is later.

c. Ensure that the Correctional Management Information System (CORMIS) accurately reflects all prisoners enrolled in the notification program.

d. Verify compliance with notification requirements prior to directing any prisoner transfer or transport per MCO 1640.3F.

e. Review the notification program and, when appropriate, direct termination from the notification program of victims or witnesses that brig personnel are unable to contact after reasonable efforts. For prisoners of other services, forward the request to the appropriate service central repository.

f. Inform brigs of any victim or witness requests received at Headquarters Marine Corps (Code POS-40) indicating a desire to be terminated from the notification program.

g. Submit reports per paragraph 6007.

4. Installation Commanders are designated the Local Responsible Officials pursuant to SECNAVINST 5800.11A and DoD Directive 1030.1. Installation commanders are responsible for implementing and maintaining VWAP. They must coordinate with the commanding officers

of tenant activities to insure that all services and requirements are fulfilled. Additionally, installation commanders shall:

a. Ensure close coordination between local VWAP representatives from NCIS, LSSS or law center, military police, commanding officers, medical facilities, FSC, corrections facilities, and chaplains.

b. Establish a local Victim and Witness Assistance Council to coordinate the efforts to provide a comprehensive assistance program and comply with VWAP notification and reporting requirements. Installation commanders shall designate a council chairperson as the Victim Witness Liaison Officer (VWLO). VWLO responsibilities are outlined in paragraph 6010.

c. Ensure that data is maintained concerning the number of victims and witnesses who received DD Forms 2701-2704 from personnel listed in paragraph 6006.4a.

d. Construct and maintain, with the assistance of the local FSC, a directory of programs, services, and crime victim compensation funds available within their geographic area, both military and civilian, to which a victim or witness may be referred. When appropriate, enter into Memoranda of Agreement with civilian agencies to ensure victims and witnesses are provided required services.

e. Ensure that victims and witnesses are receiving the information and services as required under VWAP.

f. Ensure VWAP is included as an item of interest during regular inspections.

g. Appoint, in writing, by name, title, duty address, and telephone number, a local law enforcement representative to serve as the investigative and law enforcement victim witness assistance coordinator (VWAC), and ensure the law enforcement VWAC meets the responsibilities delineated in paragraph 6011.

5. Unit Commanders, Commanding Officers, and Officers in Charge are responsible for understanding and aggressively supporting VWAP and ensuring compliance with this chapter. Every commander (battalion/squadron level and above) shall appoint, in writing, a Victim and Witness Assistance Coordinator (VWAC). The appointment letter shall include the VWAC's name, title, duty address, and duty telephone number. VWAC responsibilities are set forth in paragraph 6011.

6. Investigative and Law Enforcement Personnel

a. The term "investigative and law enforcement personnel" includes NCIS, CID, military police, installation security, and other individuals with authority to conduct a criminal investigation or inquiry into a crime. All are responsible for the actions detailed

herein. (For the purposes of this chapter, this term doesnot include individuals appointed to conduct investigations under chapters II, III, IV, VIII and XII of JAGINST 5800.7C (JAGMAN).)

b. Investigative and law enforcement personnel shall be trained in VWAP, must provide crime victims and witnesses the information described in this chapter, and shall meet the following specific responsibilities:

(1) All law enforcement personnel must identify victims and witnesses to crimes and treat them with fairness and with respect for their dignity and privacy.

(2) Threat assessment. All law enforcement personnel have a continuing duty to take reasonable measures to protect victims and witnesses from further threat, harm, and intimidation. To that end investigative and law enforcement personnel shall make an immediate assessment of the situation and take action to minimize the threat to the victim or witness. Exercise care in discussing any protective measures that may be afforded the victim or witness to avoid creating unrealistic expectations concerning the level of protection available.

(3) The individual in charge of a criminal investigation will ensure that the victims/witnesses in the case are provided with DD Form 2701 (Initial Information for Victims and Witnesses of Crime) and ensure that victims/witnesses understand the rights afforded under the law and this chapter. DD Form 2701 shall be completed by investigative and law enforcement personnel. The form shall include the name and telephone number of the investigator, the Victim Witness Liaison Officer, the cognizant Victim and Witness Coordinator, the State Crime Compensation Program, and other appropriate information. The home address and telephone number of victims and witnesses will not be included in investigative reports unless they are specifically pertinent (e.g., the crime scene is at the victim's home).

(4) Assist victims and witnesses, upon request, in contacting the persons responsible for providing the services and relief described in DD Form 2701. The FSC and VWLO are responsible for maintaining a directory of service and relief providers. Investigative and law enforcement personnel shall familiarize themselves with this directory and supply victims and witnesses with appropriate phone numbers and addresses. Further assistance in contacting the service/relief providers should be rendered as necessary and appropriate.

(5) If requested, and to the extent that it will not interfere with the investigation, the individual in charge of the investigation will keep the victim apprised of the status of the investigation/inquiry.

(6) If requested, the individual in charge of the investigation shall promptly notify the victim/witness when a suspect is apprehended.

(7) Investigative and law enforcement personnel shall safeguard the victim's property held as evidence and shall assist in returning it as soon as possible.

(8) The VWLO is required to maintain a directory of command VWACs. Investigative and law enforcement personnel shall familiarize themselves with this directory and supply victims and witnesses with names and telephone numbers of the appropriate command VWACs. Further assistance in contacting the command VWAC should be rendered as is necessary and appropriate.

(9) All law enforcement personnel must be educated concerning the victim's rights under VWAP.

(10) Notification to VWAC

(a) Accused and victim are military members. The individual in charge of the investigation will provide the identity of the victim to both the accused's VWAC and the victim's VWAC.

(b) Only accused is a military member. The individual in charge of the investigation will provide the identity of the victim to the accused's VWAC.

(c) Only victim is a military member. The individual in charge of the investigation will provide the identity of the victim to the victim's VWAC.

7. OICs of Legal Service Support Sections/Law Centers, and Staff/Senior Judge Advocates at installations not using the LSSS/Law Center concept, shall ensure trial counsel meet their responsibilities under VWAP as delineated in this chapter, including the following specific responsibilities:

a. Once charges have been referred to trial, the trial counsel assigned to the case shall identify the victims and witnesses in the case and provide them with DD Form 2702 (Court-Martial Information for Victims and Witnesses of Crime) and determine their elections as to those rights.

b. Trial counsel shall ensure that victims and witnesses are provided information concerning their role in the criminal justice process, including what to expect from the system, what the system expects from them, the stages in the criminal justice process significant to a crime victim or witness, and the proper method for obtaining further information.

c. Victim Notification. When a victim has requested notification, trial counsel shall ensure, at the earliest possible convenience, that the victim is advised of:

- (1) The pretrial confinement status of the accused.
- (2) The date charges were referred and the nature of the charges.
- (3) The acceptance of a pretrial plea agreement.
- (4) The scheduling of each court proceeding.
- (5) The findings of the court-martial.
- (6) The sentence adjudged.
- (7) The convening authority's action concerning the court-martial findings and sentence.

d. Witness Notification. When a witness has requested notification, trial counsel shall ensure, at the earliest possible convenience, that the witness is advised of:

- (1) The acceptance of a plea.
- (2) The findings of the court-martial.
- (3) The sentence adjudged.
- (4) The action of the convening authority as it may affect the sentence.

e. Victim's Views Concerning Pretrial Plea Negotiations Victims have a statutorily designated advisory role in decisions involving prosecutorial discretion, such as plea-bargaining. Trial counsel shall ensure victims are aware of their right to act in this advisory capacity. In those cases in which a victim has elected to act in such an advisory capacity, trial counsel shall ensure the victim's views concerning prosecution and plea negotiations are obtained and forwarded to the convening authority.

f. Rescheduling of Court-Martial Proceedings. Trial counsel shall ensure, as soon as possible, that all victims and witnesses who have been scheduled to attend criminal justice proceedings are notified of any schedule changes that may affect their appearances.

g. Separate Waiting Room. During the court-martial proceedings, trial counsel shall ensure, to the extent possible, that victims and prosecution witnesses are provided with a waiting area that is

separate from, and out of the sight and hearing of, the accused and defense witnesses.

h. General Assistance at Trial. Trial counsel shall inform and assist victims and witnesses concerning the availability of services such as transportation, parking, child care, lodging, and courtroom translators or interpreters.

i. Notification of Employer. Upon request by the victim and/or witness, the trial counsel shall take reasonable steps to inform that person's employer of the reasons for absence from work due to court-martial.

j. Explanation to Creditors. The trial counsel shall contact the creditor of a victim or witness who is subjected to serious financial strain caused by the crime, or by cooperation in the investigation or prosecution of an offense.

k. Victim's Property. Trial counsel shall safeguard the property of a victim held as evidence and shall return it as soon as possible.

l. Sentencing. Trial counsel shall inform victims of the opportunity to present evidence to the court at sentencing. In compliance with applicable law and regulations, the victim may submit a statement concerning the impact of the crime, including financial, social, psychological, and physical harm suffered by the victim.

m. Post-Trial Information. At the conclusion of a court-martial resulting in a conviction, trial counsel shall provide victims and witnesses with DD Form 2703 (Post-Trial Information for Victims and Witnesses) to convey basic information about the post-trial process.

n. Post-Trial Confinement Status of Accused. At the conclusion of every court-martial in which confinement is adjudged, trial counsel shall prepare DD Form 2704 (Victim/Witness Certification and Election Concerning Inmate Status) with the assistance of the victim or witness (those who fear harm by the offender). Trial counsel shall ensure copies are provided to:

(1) Either the Chief of Naval Personnel, Corrections and Programs Division (PERS-84), as Central Repository for the Navy, or the Commandant of the Marine Corps (POS-40) as Central Repository for the Marine Corps;

(2) The confinement facility;

(3) Victims/witnesses whose entitlement to receive information has been certified by trial counsel; and

(4) The responsible VWACs.

o. Responsible for reporting requirements outlined in paragraph 6007.

p. The LSSS/Law Center OIC (SJA in the absence of a LSSS/Law Center) shall ensure that judge advocates provide victims information and assistance concerning compensation programs available from the State, and other sources of financial relief.

q. The LSSS/Law Center OIC (SJA in the absence of a LSSS/Law Center) shall appoint, in writing, representatives to participate in local victim and witness assistance council meetings.

6007. REPORTING

1. SECNAVINST 5800.11A and DoD Instruction 1030.2 require an annual report to the Under Secretary of Defense for Personnel and Readiness, via the Assistant Secretary of the Navy (M&RA), concerning the assistance provided to victims and witnesses of crime. The report shall be submitted by 15 March for the preceding calendar year. The following data must be maintained and forwarded to the CMC (JAM) no later than 1 February each year (Report Control Symbol DD-5800-09 has been assigned to this report):

a. Director, Naval Criminal Investigative Service Numbers of victims and witnesses who received DD Form 2701 from field components.

b. Installation Commanders. Numbers of victims and witnesses who received DD Form 2701 from personnel assigned to the local military police or installation security; victims and witnesses who received DD Form 2702; victims and witnesses who received DD Form 2703; and victims and witnesses who elected via DD Form 2704 to be notified of changes in prisoner status.

c. Head, Corrections Branch, Human Resources Division, Headquarters, U.S. Marine Corps. Numbers of victims and witnesses to whom Marine Corps brig personnel provided notice of prisoner status changes via DD Form 2705, and a cumulative total (as of 31 December) of each service's prisoners for whom brigs must provide victim or witness notifications.

2. LSSS/Law Center OICs (SJAs in the absence of a LSSS/Law Center) shall maintain data on the number of victims and witnesses who received DD Form 2702 (Court-Martial Information For Victims and Witnesses of Crime) and DD Form 2703 (Post-Trial Information for Victims and Witnesses of Crime), and the number of victims and witnesses who elected their rights via DD Form 2704. By 15 January each year, provide the Local Responsible Official (the installation commander), via the installation's VWLO, with a report of this data covering the preceding year (1 January to 31 December).

3. Commanding Officers of Correction Facilities shall submit a monthly report to each service central repository concerning the status of their servicemembers confined in Marine Corps facilities. The report shall include:

- a. Name, social security number.
- b. Date of confinement (indicate whether a new confinement or transfer from another facility).
- c. Date of admittance into the program and the number of victims or witness for each prisoner.
- d. Location of the court-martial convening authority.
- e. Number of all victims or witnesses notified (DD Form 2705s or telephonically) and the reason for notification for each prisoner status change during the month.
- f. Information regarding unsuccessful attempts to contact a victim or witness who has previously requested notification.
- g. Copies of any correspondence received from a victim or witness requesting termination from the notification program.
- h. Minimum release date.
- i. Parole eligibility date.
- j. The cumulative total of the service's prisoners for whom brigs must make victim or witness notifications confined as of the last day of the reporting month.

6008. RESOURCES. The Department of Justice, Office for Victims of Crime, 633 Indiana Avenue N.W., Washington, DC 20531, (202) 514-6444, can provide information concerning training and available materials.

6009. FORMS. The following forms are available in the Marine Corps Electronic Forms System (MCEFS). They can also be obtained from the Naval Aviation Supply Office using requisitioning procedures contained in NAVSUP 2002, Navy Stock List of Publication and Forms.

<u>FORM NUMBER</u>	<u>TITLE</u>	<u>STOCK NUMBER</u>
DD Form 2701	Initial Information For Victims and Witnesses of Crime	0102-LF-019-0700
DD Form 2702	Court-Martial Information For Victims and Witnesses of Crime	0102-LF-019-0800

DD Form 2703	Post-Trial Information For Victims and Witnesses of Crime	0102-LF-019-0900
DD Form 2704	Victim/Witness Certification and Election Concerning Inmate Status	0102-LF-019-1200
DD Form 2705	Victim/Witness Notification of Inmate Status	0102-LF-019-1300
DD Form 2706	Annual Report on Victim and Witness Assistance	0102-LF-019-1400

6010. VICTIM WITNESS LIAISON OFFICER (VWLO) RESPONSIBILITIES

1. VWLOs are the installation commander's representatives responsible for the coordination of victim and witness assistance efforts aboard the installation. VWLOs shall:

a. Ensure that each organization (battalion/squadron level and above) assigned to the installation appoints a Victim Witness Assistance Coordinator (VWAC).

b. Coordinate with the senior tenant commander(s) to ensure that each tenant command (battalion/squadron level and above) appoints a VWAC.

c. Maintain a list of VWACs (both organic and tenant) aboard the installation.

d. Maintain a directory of military and civilian programs and services providing counseling, treatment, and other victim support within the geographic area of the installation.

e. Obtain and distribute relevant information to VWACs (both organic and tenant), including the roster of VWACs and the directory of local programs and services.

f. Ensure victims and witnesses are notified of their rights.

g. Ensure victims are notified of the names, titles, duties, addresses, and telephone numbers of the VWACs involved in their case.

h. Assist victims in exercising their rights and obtaining support.

i. Chair meetings of the local Victim and Witness Assistance Council.

j. Assist the installation commander in meeting VWAP reporting requirements.

6011. COMMAND VICTIM WITNESS ASSISTANCE COORDINATOR (VWAC)
RESPONSIBILITIES

1. Generally. The VWAC is the command's primary point of contact for victim witness assistance matters. The VWAC is responsible for obtaining and distributing VWAP materials and for providing VWAP training to the members of the command. In cases involving victims, witnesses, or accused from different commands, the VWACs for the respective commands may have overlapping duties and responsibilities. Coordination between VWACs aboard the installation is essential.

2. Victim or Witness is a Member of VWAC's Command Once the command is aware that one of their members is a victim or a witness, the VWAC shall ensure that the victim or witness has been advised of applicable rights by providing DD Form 2701 (Initial Information For Victims and Witnesses of Crime), if one has not already been provided, and assist the victim or witness in making an election of rights. Additionally, the VWAC shall, upon request of the victim:

a. Provide the victim with more detailed information concerning the resources available to the victim including information on compensation programs available to victims of intra-familial abuse offenses when the offender is a servicemember;

b. Assist the victim in obtaining necessary counseling;

c. Maintain contact with all VWACs and other VWAP personnel (such as trial counsel) involved in the victim's case; and

d. Assist victims and witnesses as appropriate and necessary in the exercise of their rights.

3. Accused is a Member of the VWAC's Command Once the command is aware that the accused is a member of the command, the VWAC shall identify the victim, determine whether the victim has been advised of applicable rights, and determine the victim's elections concerning those rights. Additionally, the VWAC shall, upon request of the victim:

a. Advise the victim of the accused's pretrial confinement status;

b. Notify the victim of the commander's decisions concerning prosecution, the nature of the charges, and the date charges are preferred;

c. Solicit and discuss the victim's views regarding appropriate disposition of the charges against the accused, particularly during pretrial plea negotiations; and

d. Notify all other VWACs involved in the case of the victim's identity and elections concerning rights.

4. VWAC's Command is the Convening Authority. After charges have been preferred, the VWAC shall identify the victims and witnesses, determine whether the victims have been advised of their rights, and determine the victims' elections concerning those rights. Additionally, the VWAC shall, upon request of the victim:

a. Confirm that the trial counsel assigned to the case has obtained the victim's views concerning plea negotiations and has forwarded that information to the convening authority;

b. Confirm that the trial counsel has complied with the victim's request to be notified of the following:

(1) The date charges are referred and the nature of the charges;

(2) Acceptance of a pretrial agreement;

(3) The court-martial findings concerning guilt;

(4) The sentence adjudged; and

(5) The convening authority's action on the findings and sentence of the court-martial.

c. If the accused is sentenced to confinement, confirm that the trial counsel prepared a DD Form 2704 per paragraph 6006.7n of this chapter.

d. When a victim has requested notification, the VWAC will advise the victim of the accused's pretrial confinement status.